
SENATE BILL 6300

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By Senators Smith, McCaslin, Wojahn, Long, Roach, Rasmussen, Kohl, Haugen and Winsley

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1 AN ACT Relating to domestic violence; amending RCW 10.99.020,
2 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.030, 26.50.060,
3 26.50.070, 26.50.100, and 26.50.115; reenacting and amending RCW
4 10.31.100; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 10.31.100 and 1995 c 246 s 20, 1995 c 184 s 1, and
7 1995 c 93 s 1 are each reenacted and amended to read as follows:

8 A police officer having probable cause to believe that a person has
9 committed or is committing a felony shall have the authority to arrest
10 the person without a warrant. A police officer may arrest a person
11 without a warrant for committing a misdemeanor or gross misdemeanor
12 only when the offense is committed in the presence of the officer,
13 except as provided in subsections (1) through (10) of this section.

14 (1) Any police officer having probable cause to believe that a
15 person has committed or is committing a misdemeanor or gross
16 misdemeanor, involving physical harm or threats of harm to any person
17 or property or the unlawful taking of property or involving the use or
18 possession of cannabis, or involving the acquisition, possession, or
19 consumption of alcohol by a person under the age of twenty-one years

1 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
2 or 9A.52.080, shall have the authority to arrest the person.

3 (2) A police officer shall arrest and take into custody, pending
4 release on bail, personal recognizance, or court order, a person
5 without a warrant when the officer has probable cause to believe that:

6 (a) An order has been issued of which the person has knowledge
7 under RCW 10.99.040(2), 10.99.050, 26.09.050, 26.09.060, 26.10.040,
8 26.10.115, 26.44.063, chapter 26.26 RCW, or chapter 26.50 RCW
9 restraining the person and the person has violated the terms of the
10 order restraining the person from acts or threats of violence or
11 ~~((excluding))~~ restraining the person from ((a)) going onto the grounds
12 of or entering the residence, workplace, school, or day care or, in the
13 case of an order issued under RCW 26.44.063, imposing any other
14 restrictions or conditions upon the person; or

15 (b) The person is sixteen years or older and within the preceding
16 four hours has assaulted a family or household member as defined in RCW
17 10.99.020 and the officer believes: (i) A felonious assault has
18 occurred; (ii) an assault has occurred which has resulted in bodily
19 injury to the victim, whether the injury is observable by the
20 responding officer or not; or (iii) that any physical action has
21 occurred which was intended to cause another person reasonably to fear
22 imminent serious bodily injury or death. Bodily injury means physical
23 pain, illness, or an impairment of physical condition. When the
24 officer has probable cause to believe that ~~((spouses, former spouses,~~
25 ~~or other persons who reside together or formerly resided together))~~
26 family or household members have assaulted each other, the officer is
27 not required to arrest both persons. The officer shall arrest the
28 person whom the officer believes to be the primary physical aggressor.
29 In making this determination, the officer shall make every reasonable
30 effort to consider: (i) The intent to protect victims of domestic
31 violence under RCW 10.99.010; (ii) the comparative extent of injuries
32 inflicted or serious threats creating fear of physical injury; and
33 (iii) the history of domestic violence between the persons involved.

34 (3) Any police officer having probable cause to believe that a
35 person has committed or is committing a violation of any of the
36 following traffic laws shall have the authority to arrest the person:

37 (a) RCW 46.52.010, relating to duty on striking an unattended car
38 or other property;

1 (b) RCW 46.52.020, relating to duty in case of injury to or death
2 of a person or damage to an attended vehicle;

3 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
4 racing of vehicles;

5 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
6 influence of intoxicating liquor or drugs;

7 (e) RCW 46.20.342, relating to driving a motor vehicle while
8 operator's license is suspended or revoked;

9 (f) RCW 46.61.525, relating to operating a motor vehicle in a
10 negligent manner.

11 (4) A law enforcement officer investigating at the scene of a motor
12 vehicle accident may arrest the driver of a motor vehicle involved in
13 the accident if the officer has probable cause to believe that the
14 driver has committed in connection with the accident a violation of any
15 traffic law or regulation.

16 (5) Any police officer having probable cause to believe that a
17 person has committed or is committing a violation of RCW 88.12.025
18 shall have the authority to arrest the person.

19 (6) An officer may act upon the request of a law enforcement
20 officer in whose presence a traffic infraction was committed, to stop,
21 detain, arrest, or issue a notice of traffic infraction to the driver
22 who is believed to have committed the infraction. The request by the
23 witnessing officer shall give an officer the authority to take
24 appropriate action under the laws of the state of Washington.

25 (7) Any police officer having probable cause to believe that a
26 person has committed or is committing any act of indecent exposure, as
27 defined in RCW 9A.88.010, may arrest the person.

28 (8) A police officer may arrest and take into custody, pending
29 release on bail, personal recognizance, or court order, a person
30 without a warrant when the officer has probable cause to believe that
31 an order has been issued of which the person has knowledge under
32 chapter 10.14 RCW and the person has violated the terms of that order.

33 (9) Any police officer having probable cause to believe that a
34 person has, within twenty-four hours of the alleged violation,
35 committed a violation of RCW 9A.50.020 may arrest such person.

36 (10) A police officer having probable cause to believe that a
37 person illegally possesses or illegally has possessed a firearm or
38 other dangerous weapon on private or public elementary or secondary
39 school premises shall have the authority to arrest the person.

1 For purposes of this subsection, the term "firearm" has the meaning
2 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
3 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

4 (11) Except as specifically provided in subsections (2), (3), (4),
5 and (6) of this section, nothing in this section extends or otherwise
6 affects the powers of arrest prescribed in Title 46 RCW.

7 (12) No police officer may be held criminally or civilly liable for
8 making an arrest pursuant to RCW 10.31.100 (2) or (8) if the police
9 officer acts in good faith and without malice.

10 **Sec. 2.** RCW 10.99.020 and 1995 c 246 s 21 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Family or household members" means spouses, former spouses,
15 persons who have a child in common regardless of whether they have been
16 married or have lived together at any time, adult persons related by
17 blood or marriage, adult persons who are presently residing together or
18 who have resided together in the past, persons sixteen years of age or
19 older who are presently residing together or who have resided together
20 in the past and who have or have had a dating relationship, persons
21 sixteen years of age or older with whom a (~~respondent~~) person sixteen
22 years of age or older has or has had a dating relationship, and persons
23 who have a biological or legal parent-child relationship, including
24 stepparents and stepchildren and grandparents and grandchildren.

25 (2) "Dating relationship" has the same meaning as in RCW 26.50.010.

26 (3) "Domestic violence" includes but is not limited to any of the
27 following crimes when committed by one family or household member
28 against another:

29 (a) Assault in the first degree (RCW 9A.36.011);

30 (b) Assault in the second degree (RCW 9A.36.021);

31 (c) Assault in the third degree (RCW 9A.36.031);

32 (d) Assault in the fourth degree (RCW 9A.36.041);

33 (e) Reckless endangerment in the first degree (RCW 9A.36.045);

34 (f) Reckless endangerment in the second degree (RCW 9A.36.050);

35 (g) Coercion (RCW 9A.36.070);

36 (h) Burglary in the first degree (RCW 9A.52.020);

37 (i) Burglary in the second degree (RCW 9A.52.030);

38 (j) Criminal trespass in the first degree (RCW 9A.52.070);

- 1 (k) Criminal trespass in the second degree (RCW 9A.52.080);
2 (l) Malicious mischief in the first degree (RCW 9A.48.070);
3 (m) Malicious mischief in the second degree (RCW 9A.48.080);
4 (n) Malicious mischief in the third degree (RCW 9A.48.090);
5 (o) Kidnapping in the first degree (RCW 9A.40.020);
6 (p) Kidnapping in the second degree (RCW 9A.40.030);
7 (q) Unlawful imprisonment (RCW 9A.40.040);
8 (r) Violation of the provisions of a restraining order restraining
9 the person or (~~excluding~~) restraining the person from going onto the
10 grounds of or entering a residence, workplace, school, or day care (RCW
11 26.09.300, 26.10.220, or 26.26.138);
12 (s) Violation of the provisions of a protection order or no-contact
13 order restraining the person or (~~excluding~~) restraining the person
14 from going onto the grounds of or entering a residence, workplace,
15 school, or day care (RCW 26.50.060, 26.50.070, 26.50.130, or
16 10.99.040);
17 (t) Rape in the first degree (RCW 9A.44.040);
18 (u) Rape in the second degree (RCW 9A.44.050);
19 (v) Residential burglary (RCW 9A.52.025); and
20 (w) Stalking (RCW 9A.46.110).
21 (4) "Victim" means a family or household member who has been
22 subjected to domestic violence.

23 **Sec. 3.** RCW 10.99.050 and 1991 c 301 s 5 are each amended to read
24 as follows:

25 (1) When a defendant is found guilty of a crime and a condition of
26 the sentence restricts the defendant's ability to have contact with the
27 victim, such condition shall be recorded and a written certified copy
28 of that order shall be provided to the victim.

29 (2) Willful violation of a court order issued under this section is
30 a gross misdemeanor. Any assault that is a violation of an order
31 issued under this section and that does not amount to assault in the
32 first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C
33 felony, and any conduct in violation of a protective order issued under
34 this section that is reckless and creates a substantial risk of death
35 or serious physical injury to another person is a class C felony. The
36 written order shall contain the court's directives and shall bear the
37 legend: Violation of this order is a criminal offense under chapter
38 10.99 RCW and will subject a violator to arrest; any assault or

1 reckless endangerment that is a violation of this order is a felony.
2 You can be arrested even if any person protected by the order invites
3 or allows you to violate the order's prohibitions. You have the sole
4 responsibility to avoid or refrain from violating the order's
5 provisions. Only the court can change the order.

6 (3) Whenever an order prohibiting contact is issued pursuant to
7 this section, the clerk of the court shall forward a copy of the order
8 on or before the next judicial day to the appropriate law enforcement
9 agency specified in the order. Upon receipt of the copy of the order
10 the law enforcement agency shall forthwith enter the order for one year
11 into any computer-based criminal intelligence information system
12 available in this state used by law enforcement agencies to list
13 outstanding warrants. Entry into the law enforcement information
14 system constitutes notice to all law enforcement agencies of the
15 existence of the order. The order is fully enforceable in any
16 jurisdiction in the state.

17 **Sec. 4.** RCW 26.09.300 and 1995 c 246 s 27 are each amended to read
18 as follows:

19 (1) Whenever a restraining order is issued under this chapter, and
20 the person to be restrained knows of the order, a violation of the
21 provisions restricting the person from acts or threats of violence or
22 of a provision (~~(excluding)~~) restraining the person from going onto the
23 grounds of or entering the residence, workplace, school, or day care of
24 another is a misdemeanor.

25 (2) A person is deemed to have notice of a restraining order if:

26 (a) The person to be restrained or the person's attorney signed the
27 order;

28 (b) The order recites that the person to be restrained or the
29 person's attorney appeared in person before the court;

30 (c) The order was served upon the person to be restrained; or

31 (d) The peace officer gives the person oral or written evidence of
32 the order by reading from it or handing to the person a certified copy
33 of the original order, certified to be an accurate copy of the original
34 by a notary public or by the clerk of the court.

35 (3) A peace officer shall verify the existence of a restraining
36 order by:

37 (a) Obtaining information confirming the existence and terms of the
38 order from a law enforcement agency; or

1 (b) Obtaining a certified copy of the order, certified to be an
2 accurate copy of the original by a notary public or by the clerk of the
3 court.

4 (4) A peace officer shall arrest and take into custody, pending
5 release on bail, personal recognizance, or court order, a person
6 without a warrant when the officer has probable cause to believe that:

7 (a) A restraining order has been issued under this chapter;

8 (b) The respondent or person to be restrained knows of the order;
9 and

10 (c) The person to be arrested has violated the terms of the order
11 restraining the person from acts or threats of violence or
12 ~~((excluding))~~ restraining the person from going onto the grounds of or
13 entering the residence, workplace, school, or day care of another.

14 (5) It is a defense to prosecution under subsection (1) of this
15 section that the court order was issued contrary to law or court rule.

16 (6) No peace officer may be held criminally or civilly liable for
17 making an arrest under subsection (4) of this section if the officer
18 acts in good faith and without malice.

19 **Sec. 5.** RCW 26.10.220 and 1995 c 246 s 30 are each amended to read
20 as follows:

21 (1) Whenever a restraining order is issued under this chapter, and
22 the person to be restrained knows of the order, a violation of the
23 provisions restricting the person from acts or threats of violence or
24 of a provision ~~((excluding))~~ restraining the person from going onto the
25 grounds of or entering the residence, workplace, school, or day care of
26 another is a misdemeanor.

27 (2) A person is deemed to have notice of a restraining order if:

28 (a) The person to be restrained or the person's attorney signed the
29 order;

30 (b) The order recites that the person to be restrained or the
31 person's attorney appeared in person before the court;

32 (c) The order was served upon the person to be restrained; or

33 (d) The peace officer gives the person oral or written evidence of
34 the order by reading from it or handing to the person a certified copy
35 of the original order, certified to be an accurate copy of the original
36 by a notary public or by the clerk of the court.

37 (3) A peace officer shall verify the existence of a restraining
38 order by:

1 (a) Obtaining information confirming the existence and terms of the
2 order from a law enforcement agency; or

3 (b) Obtaining a certified copy of the order, certified to be an
4 accurate copy of the original by a notary public or by the clerk of the
5 court.

6 (4) A peace officer shall arrest and take into custody, pending
7 release on bail, personal recognizance, or court order, a person
8 without a warrant when the officer has probable cause to believe that:

9 (a) A restraining order has been issued under this chapter;

10 (b) The respondent or person to be restrained knows of the order;
11 and

12 (c) The person to be arrested has violated the terms of the order
13 restraining the person from acts or threats of violence or
14 (~~excluding~~) restraining the person from going onto the grounds of or
15 entering the residence, workplace, school, or day care of another.

16 (5) It is a defense to prosecution under subsection (1) of this
17 section that the court order was issued contrary to law or court rule.

18 (6) No peace officer may be held criminally or civilly liable for
19 making an arrest under subsection (4) of this section if the officer
20 acts in good faith and without malice.

21 **Sec. 6.** RCW 26.26.138 and 1995 c 246 s 33 are each amended to read
22 as follows:

23 (1) Whenever a restraining order is issued under this chapter, and
24 the person to be restrained knows of the order, a violation of the
25 provisions restricting the person from acts or threats of violence or
26 of a provision (~~excluding~~) restraining the person from going onto the
27 grounds of or entering the residence, workplace, school, or day care of
28 another is a misdemeanor.

29 (2) A person is deemed to have notice of a restraining order if:

30 (a) The person to be restrained or the person's attorney signed the
31 order;

32 (b) The order recites that the person to be restrained or the
33 person's attorney appeared in person before the court;

34 (c) The order was served upon the person to be restrained; or

35 (d) The peace officer gives the person oral or written evidence of
36 the order by reading from it or handing to the person a certified copy
37 of the original order, certified to be an accurate copy of the original
38 by a notary public or by the clerk of the court.

1 (3) A peace officer shall verify the existence of a restraining
2 order by:

3 (a) Obtaining information confirming the existence and terms of the
4 order from a law enforcement agency; or

5 (b) Obtaining a certified copy of the order, certified to be an
6 accurate copy of the original by a notary public or by the clerk of the
7 court.

8 (4) A peace officer shall arrest and take into custody, pending
9 release on bail, personal recognizance, or court order, a person
10 without a warrant when the officer has probable cause to believe that:

11 (a) A restraining order has been issued under this chapter;

12 (b) The respondent or person to be restrained knows of the order;
13 and

14 (c) The person to be arrested has violated the terms of the order
15 restraining the person from acts or threats of violence or
16 ~~((excluding))~~ restraining the person from going onto the grounds of or
17 entering the residence, workplace, school, or day care of another.

18 (5) It is a defense to prosecution under subsection (1) of this
19 section that the court order was issued contrary to law or court rule.

20 (6) No peace officer may be held criminally or civilly liable for
21 making an arrest under subsection (4) of this section if the officer
22 acts in good faith and without malice.

23 **Sec. 7.** RCW 26.50.030 and 1995 c 246 s 3 are each amended to read
24 as follows:

25 There shall exist an action known as a petition for an order for
26 protection in cases of domestic violence.

27 (1) A petition for relief shall allege the existence of domestic
28 violence, and shall be accompanied by an affidavit made under oath
29 stating the specific facts and circumstances from which relief is
30 sought. Petitioner and respondent shall disclose the existence of any
31 other litigation concerning the custody or residential placement of a
32 child of the parties as set forth in RCW 26.27.090 and the existence of
33 any other restraining, protection, or no contact orders between the
34 parties.

35 (2) A petition for relief may be made regardless of whether or not
36 there is a pending lawsuit, complaint, petition, or other action
37 between the parties except in cases where the court realigns petitioner
38 and respondent in accordance with RCW 26.50.060(4).

1 (3) Within ninety days of receipt of the master copy from the
2 administrator for the courts, all court clerk's offices shall make
3 available the standardized forms, instructions, and informational
4 brochures required by RCW 26.50.035 and shall fill in and keep current
5 specific program names and telephone numbers for community resources.
6 Any assistance or information provided by clerks under this section
7 does not constitute the practice of law and clerks are not responsible
8 for incorrect information contained in a petition.

9 (4) No filing fee may be charged for proceedings under this
10 section. Forms and instructional brochures shall be provided free of
11 charge.

12 (5) A person is not required to post a bond to obtain relief in any
13 proceeding under this section.

14 **Sec. 8.** RCW 26.50.060 and 1995 c 246 s 7 are each amended to read
15 as follows:

16 (1) Upon notice and after hearing, the court may provide relief as
17 follows:

18 (a) Restrain the respondent from committing acts of domestic
19 violence;

20 (b) Exclude the respondent from the dwelling which the parties
21 share, from the residence, workplace, or school of the petitioner, or
22 from the day care or school of a child;

23 (c) On the same basis as is provided in chapter 26.09 RCW, the
24 court shall make residential provision with regard to minor children of
25 the parties. However, parenting plans as specified in chapter 26.09
26 RCW shall not be required under this chapter;

27 (d) Order the respondent to participate in batterers' treatment;

28 (e) Order other relief as it deems necessary for the protection of
29 the petitioner and other family or household members sought to be
30 protected, including orders or directives to a peace officer, as
31 allowed under this chapter;

32 (f) Require the respondent to pay the administrative court costs
33 and service fees, as established by the county or municipality
34 incurring the expense and to reimburse the petitioner for costs
35 incurred in bringing the action, including a reasonable attorney's fee;

36 (g) Restrain the respondent from having any contact with the victim
37 of domestic violence or the victim's children or members of the
38 victim's household;

1 (h) Require the respondent to submit to electronic monitoring. The
2 order shall specify who shall provide the electronic monitoring
3 services and the terms under which the monitoring must be performed.
4 The order also may include a requirement that the respondent pay the
5 costs of the monitoring. The court shall consider the ability of the
6 respondent to pay for electronic monitoring;

7 (i) Consider the provisions of RCW 9.41.800;

8 (j) Order possession and use of essential personal effects. The
9 court shall list the essential personal effects with sufficient
10 specificity to make it clear which property is included; and

11 (k) Order use of a vehicle.

12 (2) If a restraining order restrains the respondent from contacting
13 the respondent's minor children the restraint shall be for a fixed
14 period not to exceed one year. This limitation is not applicable to
15 orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW.
16 With regard to other relief, if the petitioner has petitioned for
17 relief on his or her own behalf or on behalf of the petitioner's family
18 or household members or minor children, and the court finds that the
19 respondent is likely to resume acts of domestic violence against the
20 petitioner or the petitioner's family or household members or minor
21 children when the order expires, the court may either grant relief for
22 a fixed period or enter a permanent order of protection.

23 If the petitioner has petitioned for relief on behalf of the
24 respondent's minor children, the court shall advise the petitioner that
25 if the petitioner wants to continue protection for a period beyond one
26 year the petitioner may either petition for renewal pursuant to the
27 provisions of this chapter or may seek relief pursuant to the
28 provisions of chapter 26.09 or 26.26 RCW.

29 (3) If the court grants an order for a fixed time period, the
30 petitioner may apply for renewal of the order by filing a petition for
31 renewal at any time within the three months before the order expires.
32 The petition for renewal shall state the reasons why the petitioner
33 seeks to renew the protection order. Upon receipt of the petition for
34 renewal the court shall order a hearing which shall be not later than
35 fourteen days from the date of the order. Except as provided in RCW
36 26.50.085, personal service shall be made on the respondent not less
37 than five days before the hearing. If timely service cannot be made
38 the court shall set a new hearing date and shall either require
39 additional attempts at obtaining personal service or permit service by

1 publication as provided in RCW 26.50.085 or by mail as provided in RCW
2 26.50.123. If the court permits service by publication or mail, the
3 court shall set the new hearing date not later than twenty-four days
4 from the date of the order. If the order expires because timely
5 service cannot be made the court shall grant an ex parte order of
6 protection as provided in RCW 26.50.070. The court shall grant the
7 petition for renewal unless the respondent proves by a preponderance of
8 the evidence that the respondent will not resume acts of domestic
9 violence against the petitioner or the petitioner's children or family
10 or household members when the order expires. The court may renew the
11 protection order for another fixed time period or may enter a permanent
12 order as provided in this section. The court may award court costs,
13 service fees, and reasonable attorneys' fees as provided in subsection
14 (1)(f) of this section.

15 (4) In providing relief under this chapter, the court may realign
16 the designation of the parties as "petitioner" and "respondent" where
17 the court finds that the original petitioner is the abuser and the
18 original respondent is the victim of domestic violence and may issue an
19 ex parte temporary order for protection in accordance with RCW
20 26.50.070 on behalf of the victim until the victim is able to prepare
21 a petition for an order for protection in accordance with RCW
22 26.50.030.

23 (5) Except as provided in subsection (4) of this section, no order
24 for protection shall grant relief to any party except upon notice to
25 the respondent and hearing pursuant to a petition or counter-petition
26 filed and served by the party seeking relief in accordance with RCW
27 26.50.050.

28 (6) The court order shall specify the date the order expires if
29 any. The court order shall also state whether the court issued the
30 protection order following personal service ~~((or))~~, service by
31 publication, or service by mail and whether the court has approved
32 service by publication or mail of an order issued under this section.

33 (7) If the court declines to issue an order for protection or
34 declines to renew an order for protection, the court shall state in
35 writing on the order the particular reasons for the court's denial.

36 **Sec. 9.** RCW 26.50.070 and 1995 c 246 s 8 are each amended to read
37 as follows:

1 (1) Where an application under this section alleges that
2 irreparable injury could result from domestic violence if an order is
3 not issued immediately without prior notice to the respondent, the
4 court may grant an ex parte temporary order for protection, pending a
5 full hearing, and grant relief as the court deems proper, including an
6 order:

7 (a) Restraining any party from committing acts of domestic
8 violence;

9 (b) (~~Excluding~~) Restraining any party from going onto the grounds
10 of or entering the dwelling (~~shared or from the residence of the~~
11 other)) that the parties share, from the residence, workplace, or
12 school of the other, or from the day care or school of a child until
13 further order of the court;

14 (c) Restraining any party from interfering with the other's custody
15 of the minor children or from removing the children from the
16 jurisdiction of the court;

17 (d) Restraining any party from having any contact with the victim
18 of domestic violence or the victim's children or members of the
19 victim's household; and

20 (e) Considering the provisions of RCW 9.41.800.

21 (2) Irreparable injury under this section includes but is not
22 limited to situations in which the respondent has recently threatened
23 petitioner with bodily injury or has engaged in acts of domestic
24 violence against the petitioner.

25 (3) The court shall hold an ex parte hearing in person or by
26 telephone on the day the petition is filed or on the following judicial
27 day.

28 (4) An ex parte temporary order for protection shall be effective
29 for a fixed period not to exceed fourteen days or twenty-four days if
30 the court has permitted service by publication under RCW 26.50.085 or
31 by mail under RCW 26.50.123. The ex parte order may be reissued. A
32 full hearing, as provided in this chapter, shall be set for not later
33 than fourteen days from the issuance of the temporary order or not
34 later than twenty-four days if service by publication or by mail is
35 permitted. Except as provided in RCW 26.50.050, 26.50.085, and
36 26.50.123, the respondent shall be personally served with a copy of the
37 ex parte order along with a copy of the petition and notice of the date
38 set for the hearing.

1 (5) Any order issued under this section shall contain the date and
2 time of issuance and the expiration date and shall be entered into a
3 state-wide judicial information system by the clerk of the court within
4 one judicial day after issuance.

5 (6) If the court declines to issue an ex parte temporary order for
6 protection the court shall state the particular reasons for the court's
7 denial. The court's denial of a motion for an ex parte order of
8 protection shall be filed with the court.

9 **Sec. 10.** RCW 26.50.100 and 1995 c 246 s 13 are each amended to
10 read as follows:

11 (1) A copy of an order for protection granted under this chapter
12 shall be forwarded by the clerk of the court on or before the next
13 judicial day to the appropriate law enforcement agency specified in the
14 order.

15 Upon receipt of the order, the law enforcement agency shall
16 forthwith enter the order into any computer-based criminal intelligence
17 information system available in this state used by law enforcement
18 agencies to list outstanding warrants. The order shall remain in the
19 computer for the period stated in the order. The law enforcement
20 agency shall only expunge from the computer-based criminal intelligence
21 information system orders that are expired, vacated, or superseded.
22 Entry into the law enforcement information system constitutes notice to
23 all law enforcement agencies of the existence of the order. The order
24 is fully enforceable in any county in the state.

25 (2) The information entered into the computer-based criminal
26 intelligence information system shall include notice to law enforcement
27 whether the order was personally served (~~(or)~~) or served by publication,
28 or served by mail.

29 **Sec. 11.** RCW 26.50.115 and 1995 c 246 s 15 are each amended to
30 read as follows:

31 (1) When the court issues an ex parte order pursuant to RCW
32 26.50.070 or an order of protection ordered issued pursuant to RCW
33 26.50.060, the court shall advise the petitioner that the respondent
34 may not be subjected to the penalties set forth in RCW 26.50.110 for a
35 violation of the order unless the respondent knows of the order.

36 (2) When a peace officer investigates a report of an alleged
37 violation of an order for protection issued under this chapter the

1 officer shall attempt to determine whether the respondent knew of the
2 existence of the protection order. If the law enforcement officer
3 determines that the respondent did not or probably did not know about
4 the protection order and the officer is provided a current copy of the
5 order, the officer shall serve the order on the respondent if the
6 respondent is present. If the respondent is not present, the officer
7 shall make reasonable efforts to serve a copy of the order on the
8 respondent. If the officer serves the respondent with the petitioner's
9 copy of the order, the officer shall give petitioner a receipt
10 indicating that petitioner's copy has been served on the respondent.

11 (3) Presentation of an unexpired, certified copy of a protection
12 order with proof of service is sufficient for a law enforcement officer
13 to enforce (~~(the terms of)~~) the order regardless of the presence of the
14 order in the law enforcement computer-based criminal intelligence
15 information system. Presentation of the order without a proof of
16 service is sufficient for a law enforcement officer to mandate
17 prospective compliance with the terms of the order.

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